

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Thomas Hunziker as trustee  
for next of kin of ALH,

Plaintiff,

vs.

Patricia Doherty, in her individual  
capacity; County of Hennepin, Minnesota;  
Robert Marshall, M.D.; Kristen Medhanie;  
and Allina Health System,

Defendants.

---

Case No. 20-cv-02188-NEB-ECW

**STIPULATION FOR COURT TO  
APPROVE SETTLEMENT  
UNDER MINN. STAT. § 466.08**

Thomas Hunziker, as trustee for the next of kin of ALH (“Plaintiff”), and the County of Hennepin and Patricia Doherty (“the County Defendants”), through their undersigned counsel, hereby stipulate and agree as follows, and for the reasons set forth below, respectfully request that the Court enter the Order Approving Settlement:

WHEREAS, Plaintiff filed this action against the County Defendants and others, alleging damages sustained by ALH and her next of kin in connection with ALH’s death on November 6, 2017, while ALH was living in a foster home placement made by Hennepin County;

WHEREAS, Mary Egan—Plaintiff’s wife and the adoptive parent of ALH’s brother, JTH—expressed her intent to make a claim (the “Individual Claim”) against the County Defendants alleging damages sustained by JTH while he and ALH were living in the foster home placement;

WHEREAS, the County Defendants vigorously dispute the claims made in this action and the separate Individual Claim;

WHEREAS, Plaintiff and the County Defendants mediated this action and the separate Individual Claim before mediator Greg Weyandt from October through November 2021;

WHEREAS, in November 2021, Plaintiff, Egan, and the County Defendants agreed to settle both this action and the separate Individual Claim on terms mutually agreeable to Plaintiff, Egan, and the County Defendants;

WHEREAS, Plaintiff's Petition for Distribution of Wrongful Death Proceeds (ECF No. 185) reflects the monetary terms of the settlement of this action and the separate Individual Claim;

WHEREAS, Minn. Stat. § 466.08 requires court approval for a settlement in excess of \$10,000 involving a municipality like Hennepin County; and

WHEREAS, if the Court approves the settlement between Plaintiff and the County Defendants pursuant to Minn. Stat. § 466.08, Hennepin County will issue a check for the agreed-upon settlement amount after (1) the parties have executed a final settlement and release agreement in this action, (2) the parties have filed a Stipulation for Dismissal in this action, and (3) the Minnesota state court overseeing the distribution of the settlement of the Individual Claim has issued its final approval order.

**NOW THEREFORE**, it is stipulated and agreed as follows:

1. The parties hereto, through their respective counsel, stipulate and agree that the Order Approving Settlement may be entered by the Court.

**NEWMARK STORMS DWORAK LLC**

Dated: July 27, 2022

/s/ Ryan O. Vettleson

Jeffrey S. Storms (#0387240)

Ryan O. Vettleson (#0312915)

Eric L. Newmark (#259792)

Paul C. Dworak (#391070)

Christopher L.B. Scott (#398535)

150 South Fifth Street, Suite 1850

Minneapolis, MN 55402

Phone: 612-455-7050

Fax: 612-455-7051

jeff@newmarkstorms.com

ryan@newmarkstorms.com

eric@newmarkstorms.com

paul@newmarkstorms.com

chris@newmarkstorms.com

*and*

**OLSON DEFENSE, PLLC**

Eric J. Olson (#0278427)

Olson Defense PLLC

8009 34<sup>th</sup> Avenue South, Suite 1492

Bloomington, MN 55425

Phone: 952-835-1088

Fax: 952-835-4660

*Attorneys for Plaintiff*

**MICHAEL O. FREEMAN**  
**Hennepin County Attorney**

Dated: July 27, 2022

/s/ Kelly K. Pierce

Kelly K. Pierce (#0340716)

Devona Wells (#0392052)

Shannon M. Harmon (#0386741)

2000A Government Center

300 South Sixth Street

Minneapolis, MN 55487

Phone: 612-348-5518

Fax: 612-348-8299

kelly.pierce@hennepin.us

devona.wells@hennepin.us

shannon.harmon@hennepin.us

*Attorneys for County Defendants*